

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2003:

Present

Vote

James S. Burgett, Chairman
Thomas G. Shepperd, Jr., Vice Chairman
Walter C. Zaremba
Sheila S. Noll
Donald E. Wiggins

On motion of ____, which carried ____, the following ordinance was adopted:

AN ORDINANCE TO APPROVE APPLICATION NO ZT-77-03 TO AMEND THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) TO INCORPORATE CHANGES MADE NECESSARY BY RECENT AMENDMENTS TO THE CODE OF VIRGINIA

WHEREAS, by action of the 2003 General Assembly, certain sections of the Code of Virginia pertaining to zoning regulations were amended and create a need to consider corresponding amendments to the York County Zoning Ordinance; and

WHEREAS, the Planning Commission has sponsored this application after determining that public necessity and good zoning practice require that appropriate amendments be considered to incorporate these changes; and

WHEREAS, the Planning Commission has recommended approval of the proposed amendments, subsequent to conducting a duly advertised public hearing; and

WHEREAS, the Board of Supervisors has considered the recommendations of the Planning Commission and has determined that the amendments should be approved.

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the ____ day of ____, 2003 that it does hereby approve Application No. ZT-77-03 to amend various sections of Chapter 24.1, Zoning, of the York County Code, as follows:

Sec. 24.1-109. Administration, enforcement, and penalties.

- (a) The zoning administrator or designated agent is hereby authorized, on behalf of the board, to administer and enforce this chapter. Such authority shall include the ability to make official interpretations of this chapter and the zoning maps as described in section 24.1-110 and to order, in writing, the remedy of any condition found in violation of this chapter, and the ability to bring legal action to ensure compliance with its provisions, including injunction, abatement, or other appropriate action or proceeding.
- (b) All departments, officials and employees of the county which are vested with duty or authority to issue permits or licenses shall conform to the provisions of this chapter. They shall issue permits for uses, buildings or purposes only when they are consistent with the provisions of this chapter. Any such permits, if issued in conflict with the provisions of this article, shall be null and void.
- (c) *Penalties.* Violating, causing, or permitting the violation of, or otherwise disregarding any of the provisions of this chapter by any person, firm or corporation, whether as principal, agent, owner, lessee, employee or other similar position shall be unlawful and is subject to the following:
 - (1) Criminal sanctions. Upon conviction, any such violation shall be a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). If the violation is uncorrected at the time of the conviction, the court may order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00), and any such failure during any succeeding thirty (30) day period shall constitute a separate misdemeanor offense for each thirty (30) day period punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). (Ord. No. O97-18, 6/4/97)
 - (2) *Injunctive relief.* Any violation or attempted violation of this chapter may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceedings for relief.
 - (3) *Civil fines:*
 - a. Any person summoned or issued a ticket for a violation of this chapter listed in subsection (b) below may make an appearance in person or in writing by mail to the county treasurer prior to the date

fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability and pay the civil penalty established in this section for the offense charged, in lieu of criminal sanctions.

Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. If a person charged with scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law.

- b. A civil penalty is hereby established for a violation of any offense listed below in the amount of one hundred dollars (\$100.00) for any one (1) violation for the initial summons and ~~one~~ two hundred fifty (\$~~2~~150.00) for each additional summons:
 - 1. Constructing, placing, erecting, installing or maintaining an accessory structure in violation of section 24.1-270 et seq.
 - 2. Constructing, placing, erecting or displaying a sign in violation of section 24.1-700 et seq.
 - 3. Erecting, altering, or changing use or occupancy of any building, structure, or premises without first obtaining a zoning certificate or certificate of zoning compliance in violation of section 24.1-107.
 - 4. Failure to perpetuate and maintain all landscaping, screening, and fencing materials required by this chapter in violation of section 24.1-242.
 - 5. Operating, conducting or maintaining a home occupation in violation of Article II – Division 8, Home Occupations.
 - 6. Occupying, or permitting to be occupied, a single-family dwelling by more than four (4) unrelated individuals in violation of the definition of “Family” in section 24.1-104.
 - 7. Failure to observe the requirements for keeping sight triangles, as described in section 24.1-220(b), free of obstructions.
- c. Each day during which a violation is found to exist shall be a separate offense. However, in no event shall specified violations arising from the same set of operative facts be charged more frequently than once in a ten (10) day period and in no event shall a series of

such violations result in civil penalties which exceed a total of more than ~~three~~ five thousand dollars (\$~~3~~5,000.00).

- d. No provisions herein shall be construed to allow the imposition of civil penalties for:
1. enforcement of the Uniform Statewide Building Code;
 2. activities related to land development;
 3. violations of the erosion and sediment control ordinance;
 4. violations relating to the posting of signs on public property or public rights-of-way; or
 5. violations resulting in injury to any person or persons.

Sec. 24.1-709. Abandoned signs.

A sign, including its supporting structure or brackets, shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer on the premises. In the event a nonconforming sign refers to a business that has not been in operation for a period of at least two (2) years, such sign shall be considered abandoned and ~~Such sign, if not removed within one hundred eighty (180) days from the termination of occupancy by such business~~ shall be considered to be in violation of this chapter. After reasonable efforts to provide notice to the property owner of the need to remove the violation, and failure of the property owner to do so, ~~and~~ the zoning administrator may cause the abandoned sign to be removed at the owner's expense.

Sec. 24.1-802. Nonconforming structures.

- (a) *Enlargement or alteration.* No structure which is nonconforming by reason of a conflict with the setback, yard, height or similar regulations of the district in which located may be enlarged, extended, reconstructed, structurally altered or moved in any way which increases its nonconformance with the applicable setback, yard, height or similar regulations of the district in which located. Except as may be provided in article II relative to front yards in built-up areas, any addi-

tion to nonconforming structures shall comply in all respects with the applicable setback, yard, height or similar regulations of the district in which located.

- (b) *Damage or destruction.* A nonconforming structure which is damaged or destroyed by a cause beyond the control of the owner may be reconstructed at the location of its original foundation, or at a location on the lot which is conforming or more nearly conforming provided that such reconstruction occurs within two (2) years of such damage or destruction and provided that a site plan submitted in accordance with article V of this chapter is approved. Should such reconstruction not occur within two (2) years, or in the event the damage or destruction, regardless of its extent, was initiated or caused by the owner of the structure, such structure may be reconstructed only in full accordance with the provisions of this chapter.
- (c) *Special provisions for manufactured housing units.* Nothing in this section shall be construed to prevent the removal of a valid nonconforming manufactured ~~housing unit~~ home from a mobile or manufactured home park ~~property~~ and replacing that home ~~its replacement~~ with another comparable manufactured home ~~housing unit~~ that meets the current HUD manufactured housing code, provided that the degree of nonconformity with any yard or setback requirements applicable to the district in which located does not increase. In such mobile or manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home. If the nonconforming mobile or manufactured home is located on a property not within a mobile home park, it may be replaced with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code and provided that any nonconformity with yard or setback requirements does not increase. Such replacement unit shall retain the valid nonconforming status of the home.